

Message Text

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ACTION NEA-12

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 8192

INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE NEW DELHI 14056

USUN PLEASE PASS AMBASSADOR MOYNIHAN

E.O. 11652: N/A

TAGS: EFIN IN

SUBJECT: RUPEES: DRAFTING CHANGES

REF: STATE 236128

1. CONCUR ALL YOUR DRAFTING SUGGESTIONS WITH FOLLOWING QUALIFICATIONS AND COMMENTS ONLY:

A) REFTEL PARA 2: WE ARE PLANNING NO CHANGE OF LANGUAGE, BUT WILL EXPLAIN TO GOI AS SUGGESTED IF QUESTION ARISES.

B) REFTEL, PARA 4: ASSUME YOU WERE REFERRING TO ERRONEOUS REFERENCE IN EIGHT LINE TO PARA 2(A). THIS REFERENCE IS NOW CHANGED AS SUGGESTED, I.E., TO "THE PRECEDING PARAGRAPH 6(A)".

C) REFTEL, PARA 7: OUR PARAS 1 AND 2 (PP 13-14) NOW CHANGED TO READ: "1. THE GOVERNMENT OF INDIA SHALL PREPAY THE ENTIRE UNPAID AND OUTSTANDING PRINCIPAL AND ACCRUED INTEREST UP TO THE DATE OF THIS AGREEMENT UNDER THE DEVELOPMENT LOAN AGREEMENTS. 2. THE GOVERNMENT OF INDIA SHALL MAKE THE FOREGOING PREPAYMENT OF PRINCIPAL AND INTEREST BY DEPOSITING, ON THE DATE OF THIS AGREEMENT, RS-----INTO A NEW ACCOUNT..."(ETC.)

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D) REFTEL, PARA 10: PAGE 14, PARA 5 CHANGED TO READ:

"WITHIN NINETY DAYS OF THE DATE OF THIS AGREEMENT (EXCEPT AS THE TWO GOVERNMENTS SHALL AGREE OTHERWISE), THE GOVERNMENT OF INDIA SHALL DEPOSIT..." (ETC.) NOTE ALSO THAT PARA 1(D) OF PART I (P.6) WOULD BE CHANGED IDENTICALLY.

E) REFEL, PARA 13: CONCUR GENERALLY, BUT WE WOULD INTEND TO CHANGE, IN PROVISIO CLAUSE, "REASONABLE" TO "FULL" (PER PARA 5 OF STATE 236135) AND TO ADD AT END, FOR CLARITY, PHRASE "FOR THAT YEAR".

2. FURTHER RE PROPOSED CHANGE, REFERENCED IMMEDIATELY ABOVE, FROM ADJUECTIVE "REANSONABLE" TO "FULL" TO QUALIFY PERMISSIBLE USG ADDITIVE EXPENDITURES FOR PRICE ESCALATION: THEIS CHANGE WOULD OF COURSE APPLY TO PARAS 10(A) AND 10(C), AS WELL AS 9(C), OF PART II. COMMENT: WHILE WE WILL TRY TO OBTAIN THIS CHANGE, DEPARTMENT WILL APPRECIATE THAT WORD "REASONABLE" HAS BEEN IN ALL DRAFTS FOR LITERALLY MONTHS. PERHAPS, AS FALLBACK ALTERNATIVE TO ARGUABLY AMBIGUOUS WORD "REASONABLE", WE CAN AGREE WITH GOI ON DELETION OF BOTH ARTICLE AND ADJECTIVE SO THAT LANGUAGE WOULD READ: "...ADJUSTMENT WILL BE MADE..."

3. IN AGAIN LOOKING AT PARA 4(B) OF PART I (P.8), WE NOW BELIEVE IT COULD BE FURTHER IMPROVED BY FOLLOWING REVISED WORDING: "THE GOVERNMENT OF INDIA MAY IN ITS SOLE DISCRETION REALLOCATE AMOUNTS AMONG THE CATEGORIES SPECIFIED IN THE PRECEDING PARAGRAPH 4(A), SO LONG AS THE AMOUNT FOR EACH CATEGORY SHALL NOT BE INCREASED OR DECREASED BY MORE THAN 15 PERCENT. FURTHER, THE GOVERNMENT OF INDIA MAY, IN AGREEMENT WITH THE GOVERNMENT OF THE UNITED STATES OF AMERICA, MAKE ALLOCATIONS, WITHIN THE SAME TOTAL, TO NEW CATEGORIES". COMMENT: IT IS IMPROBABLE BUT NOT NOT INCONCEIVABLE THAT GOI AND USG WOULD WISH, AT SOME FUTURE DATE, TO SEE A NEW CATEGORY ADDED TO THE LIST, AND TO SOME APPROPRIATE ALLOCATION MADE TO THAT CATEGORY. THIS REVISED LANGUAGE IS MEANT TO ACCOMMODATE FOR THAT POSSIBILITY.

4. OF COURSE, NONE OF WORDING CHANGES REFERENCED HEREIN YET DISCUSSED WITH GOI. SUGGEST YOU NOT REVISE YOUR MASTER COPIES UNTIL WE ADVISE OF GOI REACTION.
DECONTROL 12/3/74.
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